

1                                   **ARIZONA STATE BOARD OF PHARMACY**  
2                                   **1700 W. Washington Street, Room 250**  
3                                   **Phoenix, Arizona 85007**  
4                                   **(602) 771-2727**

5   In the Matter of:

6   **SARA KINARD,**

7   Holder of License No. T007624  
8   as a Pharmacy Technician  
9   in the State of Arizona

**FINDINGS OF FACT, CONCLUSIONS**  
**of LAW and BOARD ORDER**  
**No. 10-0070-PHR**

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11       Pursuant to Notice of Hearing Number 10-0070-PHR (Notice) this matter came before  
12   the Arizona State Board of Pharmacy (Board) on November 18, 2010.

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14       Steve Haiber, vice-president, presided with members James W. Foy, JoAnne Galindo,  
15   Dan Milovich, and Tom Van Hassel in attendance.

16       The State was represented by the Office of the Attorney General, Elizabeth Campbell,  
17   Assistant Attorney General, Licensing and Enforcement Section. Christopher Munns, of the  
18   Solicitor General's Section of the Attorney General's Office was present to provide  
19   independent legal advice to the Board. Sara Kinard, (Respondent) was not present and was not  
20   represented by an attorney. The Board, after considering the testimony and evidence presented,  
21   hereby issues the following Findings of Fact, Conclusions of Law, and Order.  
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24                                   **FINDINGS OF FACT**

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26       1. On October 30, 2009, Chandler Police Officers executed a search warrant for the home  
27   in which Respondent was living with her boyfriend and her boyfriend's brother.  
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2. Police found 81 tablets of oxycodone inside an unlabeled pill container, 9 tablets of hydrocodone inside a second pill container, 11 tablets of carisoprodol in an Equate allergy bottle, and 2 tablets of carisoprodol together with 3 tablets of oxycodone in a pill container with a prescription label stating that it contained oxycontin for patient JG. The listed tablets were found in the master bedroom, master bathroom and master bedroom closet shared by Respondent and her boyfriend. Police also found a small amount of marijuana in the master bathroom. In addition, police found numerous empty pill containers in the master bathroom and master bedroom closet.

3. Police located over \$6,500 in cash in the closet shared by Respondent and her boyfriend. Additional cash was found in the master bedroom nightstand.

4. Respondent was not at home during the search of her home, but was arrested when she returned home from work. Upon her arrest, Respondent was searched by police officers. Police officers found a prescription bottle with Respondent's name on it in Respondent's purse. The pill bottle contained 2½ red oxycodone tablets, and 9 blue oxycodone tablets. In addition, 1 light blue oxycodone tablet was found in Respondent's purse.

5. Respondent never produced a valid prescription for the oxycodone, hydrocodone, or carisoprodol described in paragraphs 2 and 4 above.

6. Carisoprodol is a dangerous drug. A.R.S. § 13-3401(6)(c)(v).

7. Oxycodone is a narcotic drug. A.R.S. §§ 13-3401(20)(iii) and -3401(21)(dd).

8. Hydrocodone is a narcotic drug. A.R.S. §§ 13-3401(20)(iii) and -3401(21)(n).

### CONCLUSIONS of LAW

1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-1901 *et seq.*

2. Pursuant to A.R.S. § 32-1927.01(A)(1), the Board may discipline a pharmacy technician who has engaged in unprofessional conduct.

3. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(C)(6) (Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude or any drug related offense).

4. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(C)(8) (Violating a federal or state law or administrative rule relating to marijuana, prescription-only drugs, narcotics, dangerous drugs, controlled substances or precursor chemicals when determined by the Board or by conviction in a federal or state court).

5. The conduct and circumstances described above constitutes a violation of A.R.S. § 13-3408(A)(1) (A person shall not knowingly possess or use a narcotic drug).

6. The conduct and circumstances described above constitutes a violation of A.R.S. § 13-3405(A)(1) (A person shall not knowingly possess or use marijuana).

7. The conduct and circumstances described above constitutes a violation of A.R.S. § 13-3407(A)(1) (A person shall not knowingly possess or use a dangerous drug).

**ORDER**

In view of the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

The pharmacy technician license issued to Sara Kinard is hereby revoked.

### RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified of the right to petition for a rehearing or review by filing a petition with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a rehearing. A.C.C. R4-23-128. Service of this order is effective five (5) days after date of

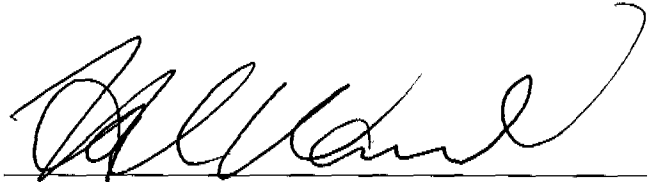
1 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five  
2 (35) days after it is mailed to Respondent.

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4 Respondent is further notified that the filing of a motion for rehearing is required to  
5 preserve any rights of appeal to the Superior Court.

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8 DATED this 30 day of November, 2010.

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10 **ARIZONA STATE BOARD OF PHARMACY**

11  
12 SEAL

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15 Hal Wand, R.Ph.  
16 Executive Director

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18  
19 COPIES mailed this 30 day of November, 2010

20  
21 By Certified Mail Receipt No. 70090820 00000945321 to:

22 Sara Kinard  
23 9766 E. Juanita Ave.  
24 Mesa, Arizona 85215  
25 Respondent

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1 COPY OF THE FOREGOING MAILED  
2 this \_\_\_\_\_ day of \_\_\_\_\_, 2010, to:

3 Christopher Munns  
4 Assistant Attorney General  
5 1275 W. Washington Street, CIV/SGO  
6 Phoenix, Arizona 85007  
7 Attorney for the Board

8 and

9 Elizabeth A. Campbell  
10 Assistant Attorney General  
11 1275 W. Washington Street, CIV/LES  
12 Phoenix, Arizona 85007  
13 Attorney for the State  
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